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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,490	10/08/2003	Pieter Vorenkamp	1875.3610001	5497

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

1100 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EXAMINER

DEPPEL, BETSY LEE

ART UNIT

PAPER NUMBER

2611

MAIL DATE

DELIVERY MODE

04/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/680,490

**Applicant(s)**

VORENKAMP ET AL.

**Examiner**

BETSY L. DEPPE

**Art Unit**

2611

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 8-10, 12 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10, 12 and 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 11, 2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed March 11, 2008 have been fully considered but they are not persuasive with regards to the Winget (US Patent 4,275,358) as applied to claims 1 and 22.
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "providing an inductor between differential components of a differential transmission line") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
- Claims 1 and 22 recite having an "inductor connected between first and second components of said differential transmission line" without defining or clarifying the "first

and second components." Since the embodiment shown in Figure 2 shows connecting an inductor to ground, the recited claims are interpreted as corresponding to this embodiment and the inductor of the equalizer in Winget reads on this embodiment.

### ***Drawings***

4. The drawings were received on March 11, 2008. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-4, 8-10, 12, and 18-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification, as originally filed, does not appear to describe the transmitter de-emphasis circuit as "having an active configuration" (see claim 1, line 5).

8. The dependent claim(s) are rejected under the same ground as the claim(s) from which they depend.

9. Claims 1-4, 8-10, 12, and 18-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. In claim 1, it is unclear what is meant by a transmitter de-emphasis circuit "having an active configuration," as recited in line 5.

11. In claim 1, line 12 and claim 22, line 6, it is unclear whether "first and second components of said differential transmission line" is referring to the input and output of the differential transmission line (see claim 1, lines 2-3 and claim 22, line 2) or other components.

12. The dependent claim(s) are rejected under the same ground as the claim(s) from which they depend.

***Claim Rejections - 35 USC § 103***

13. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

14. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salinger (US Patent No. 6,212,229 B1 cited in the Office Action mailed February 16, 2007) in view of Winget (US Patent No. 4,275,358 cited in the Office Action mailed

September 13, 2007) whereby claim 22 is interpreted as corresponding to the embodiment shown in Figure 2.

15. With regard to claims 22 and 23, Figure 3 of Salinger discloses the claimed invention including a differential transmission line (10), a transmitter circuit with equalization (38) and an equalizer wherein the transmitter circuit with equalization (38) compensates for frequency distortion caused by the transmission line. (See abstract; column 1, line 64-column 2, line 18; column 6, lines 47-52) However, Salinger does not disclose that the equalizer includes an inductor between the components of the differential transmission line.

Winget discloses different equalization circuits that include inductors. (See Figures 1 and 2) It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement one of the equalization circuits disclosed by Winget in a circuit as taught by Fitzgerald in order to perform a similar function with a known circuit and readily available components such as resistors and inductors.

16. With regard to claim 24, Salinger in view of Winget discloses the claimed invention including a transmitter circuit with equalization (38) that includes a de-emphasis circuit that increases with frequency across a band of interest. (See Salinger, Figure 2) Although Salinger refers to 38 as a "pre-emphasis filter" instead of "de-emphasis filter" as recited, the element as described in Salinger is functionally equivalent to the "de-emphasis filter" as recited and referring to 38 as a "pre-emphasis filter" or "de-emphasis filter" is merely a naming convention that does not affect the functionality/purpose of the element. Furthermore, based on Figure 6 of the present application, the terms "de-emphasis" and "pre-emphasis" appear to be interchangeable.

***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BETSY L. DEPPE whose telephone number is (571) 272-3054. The examiner can normally be reached on Monday, Wednesday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Betsy L. Deppe/  
Primary Examiner  
Art Unit 2611